IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2347 of 2007()

CRIME NO.64 OF 2007 OF GURUVAYUR POLICE STATION
AGAINST THE ORDER IN BA.515/2007

PETITIONER:

FIROZ KHAN, S/O K.M.SHAMZUDEEN,
AGED 28 YEARS, KALARIKKAL PARAMBU HOUSE,
MARADU VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REP. BY SUB INSPECTOR OF POLICE,
GURUVAYOOR POLICE STATION, THRISSUR.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A. NO. 2347 OF 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application under Section 438 of the Code of Criminal Procedure, filed by the accused in Crime No.64 of 2007 of Guruvayur Police Station. Petitioner had filed Bail Application No.515 of 2007 under Section 438, which was disposed of by the order dated 1.2.2007, recording the submission made by the Public Prosecutor that no crime was registered against the petitioner. The contention of the petitioner is that in spite of Annexure I order dated 1.2.2007, the petitioner is sought to be arrested in connection with the case involving the same allegations in respect of the same subject matter.

2. The learned Public Prosecutor, on instructions, submits that a complaint was filed against the petitioner on 11.1.2007 before the Judicial Magistrate of the First Class, Chavakkad and it was forwarded to the police under Section 156(3) of the Code of Criminal Procedure. In accordance with such reference, a crime was registered against the

petitioner on 3.2.2007 as Crime No.64 of 2007 under Sections 406 and 420 of the Indian Penal Code. The investigation is in progress.

3. The allegation of the complainant is that money payable under an agreement between the complainant and the accused in respect of sale of a tipper lorry was not paid to her.

4. In the facts and circumstances of the case, there will be a direction to the petitioner to appear before the investigating officer on 26.4.2007 for interrogation. The investigating officer shall produce the petitioner before the learned Magistrate concerned on the same day. The learned Magistrate shall dispose of the bail application, if any, filed by the petitioner on the same day.

The Bail application is disposed of.

(K.T.SANKARAN)
Judge

ahz/